

Appl. No. 10/735,802
Amdt. Dated 12/31/04
Reply to Office Action of 10/01/04

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. The examiner has rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,115,525 to Lovitt in view of U.S. Patent No. 4,594,743 to Owens et al. Applicant respectfully submits the examiner has mischaracterized the Lovitt reference by alleging the raised portion of Lovitt includes a plurality of side rails that extend partially around a perimeter of the mattress, and extend upwardly from the top portion of the mattress, as recited in applicant's independent claims 1, 7, and 12. The side rails of Lovitt cited by the Examiner are monolithically formed from the mattress body and are identified as the upper surface of the mattress (See Lovitt's FIG. 1, item 2 and col. 3, lines 36-37) while the side rails of the present invention are separate and distinct rails connected to the mattress body. Applicant clearly claims the body and side rails as two separate elements in its independent claims 1, 7, and 12. Therefore, such claims require two separate and distinct elements rather than one element as disclosed in Lovitt. Furthermore, applicant's dependent claims 5, 11, and 15 recite the side rails being formed from plastic while the side rails of Lovitt are monolithically formed with the mattress and thus, inflate when the mattress is inflated.

Additionally, applicant's dependent claims 2, 8, and 13 require the mattress to have a substantially oval shape. Although the mattress of Lovitt has a non-oval shape with an arcuate bottom portion (See Lovitt's FIGS. 2, 3, and 6) the examiner states the particular shape of Lovitt's mattress would appear to be within the ordinary level of skill in the art because the applicant has not shown any particular criticality associated with the use of an oval mattress shape. Applicant respectfully submits the oval shape is necessary for the mattress to fit securely into a hammock for greater safety and comfort because hammocks have a general oval shape (See applicant's page 2, lines 5-6). Therefore, applicant has provided a particular criticality associated with the use of an oval mattress.

The examiner also alleges Lovitt can include an inflation valve at one end (See FIG. 2, item 8). Applicant's independent claims 1, 7, and 12 require a plurality of valves

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disposed at one end portion of the mattress body.

The examiner acknowledges Lovitt does not include a device for supplying and removing air from the mattress as required by applicant's independent claims 1, 7, and 12. However, the examiner alleges that it would have been obvious to one of ordinary skill in the art to combine the air pump of Owens et al. with Lovitt to teach applicant's claimed invention. Applicant's power-operated device includes a plurality of switches (See applicant's FIG. 5) for toggling same between inflating and deflating modes as recited in applicant's dependent claims 4, 10, and 14. The air pump of Owens et al. includes only one switch, not a plurality of switches. As a result, applicant respectfully submits any hypothetical combination of the prior art does not teach all the recitations of applicant's claims. A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. See *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). Neither Lovitt nor Owens et al., nor any prior art of record discloses a power inflating/deflating device with a plurality of toggling switches.


In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable with respect to the above arguments. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,
Law Office of Ashkan Najafi, P.A.

By 
Ashkan Najafi, Esq.
Reg. No. 49,078
Customer No. 34,356

6817 Southpoint Parkway
Suite 2301
Jacksonville, FL 32216
Telephone: 904-296-0055
Facsimile: 904-296-0056
patentattorney@patent-usa.com